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Representing Montana's Non-Industrial Private Forest Owners

TO: FIRE SUPPRESSION INTERIM COMMITTEE

FROM: MONTANA FOREST OWNERS ASSOCIATION

DATE: January 31, 2008

RE: WILDLAND URBAN INTERFACE (WUI) POSITION AND SUGGESTIONS FOR WILDLAND FIRE MANAGEMENT

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MFOA hereby submits its statement in response to the Committee's request for recommendations regarding wildland fire-related issues in Montana:

The Wildland Urban Interface (WUI) consists of high density housing, low density housing and dispersed housing that is adjacent to fuel conditions that can burn with high intensity during wildfire season. Low density and dispersed density housing applies to many family forestland owners, which across the nation is defined as ownership of at least 10 forested acres and a the possession of a written and certified forest management plan. Lumping all of these different ownerships into a generic "WUI" is incorrect and highly misleading. It would be analogous to lump automobile drivers with good records together with intoxicated or reckless drivers with the statement that "all automobile drivers" are responsible for the majority of traffic deaths.

The terms "wildfire" and "wildfire hazard" define a very broad spectrum of situations that should not be applied equally. The most hazardous* fuel conditions (* those that cause the most property damage and injury to human and animal health) consist of large amounts of fine fuels such as cured tall grasses, brush and fine woody debris. Wildfire statistics show that range and brush fires have caused the most damage and injury to human health, not forest fires. Grass and brush fires can burn with high intensity and travel at great speeds, making fire suppression very difficult and dangerous. Forest fires can burn with great intensity in dense forests and/or with high surface fuel loading conditions, but do not typically travel with great speed. Most forest fires are contained in areas where fuel treatments have occurred that prevent active crown fires and thinned trees suppress understory fuels such as grasses and brush.

1. **Non-Industrial Private Forest Owner (NIPF) Lands Enhance Initial Attack Efforts—Resulting in Fewer Large Project Fires**

Suppressing wildfires usually results in two major costs: initial attack and large project fires. DNRC fire fighting numbers for 2006 show that initial attack has proven 94% effective for containing and suppressing fires (*DNRC Fire & Aviation Management Reports*). If initial attack was 100% effective, there would be no cost associated with large project fires.

Wildfires start through a variety of causes. According to statistics that span decades, on average, human causes account for 50% of wildfires. The remaining 50% are lightning caused. The success of

initial attack depends on three things: fuel loading, weather and speed of initial attack. Initial attack was successful on most of human caused fires. This is significant because human caused fires tend to occur where human activity is prevalent, and thus where access is available. Lightning caused fires can occur anywhere on the landscape, and those that occur in areas with difficult access invariably develop into project fires. Therefore, access is one of the key features for the success of initial attack---most NIPF lands have good access as opposed to public lands.

2. NIPF Lands Have a High Percentage of Forest Treated for Fuels---Helping Fire Suppression Teams to Contain Escaped Crown Fires

Initial attack success also depends on the fuel loading in the ignition zone. Surface fuels and fuel ladders have been listed as the two most manageable factors that allow an ignition to develop into a non-suppressible crown fire. Tree canopy density is listed as a third significant factor. Recent proceedings in fire behavior and experimental analysis of different treatment effects on wildfire behavior, presented at the 3rd International Fire Congress, indicate that commercial thinning of trees coupled with surface fuels reduction is the most effective preventative for ignitions developing into crown fires.

NIPF lands account for approximately 19% of the forested land base in Montana, and have provided an average of 30% of the logs harvested over the past 15 years. Public lands account for approximately 70% of the land base, yet have only provided 19% of the logs harvested (Bureau of Business and Economic Research, Univ. of Montana). Therefore, NIPF lands have been managed for lower density trees more than public ownerships. Also, since NIPF lands that are harvested commercially are held to the standards of the Hazardous Fuels Reduction Act, one could also conclude that harvested lands have had surface fuels reduced to appropriate levels. Take into additional account that a recent survey conducted by the Montana Forest Owners Association indicates that the average NIPF with a forest management plan has spent thousands of their own dollars to conduct fuel reduction treatments (EQC 2007 HJR10 Committee Minutes).

Because of new and necessary fire fighter safety standards, direct attack on active large fires is not possible until weather or fuel conditions suppress extreme fire behavior. Back-burning has become the preferred containment method, which requires larger acreages, and is more difficult to conduct in areas with high fuel loading. Additionally, weather has become more extreme. Leading scientists and climatologists presenting at the above-mentioned Fire Congress all indicated that there is a high probability that extreme fire weather will become more prevalent over the next decades.

3. **NIPF Landowners Are More Responsive to Managing Forest Mortality and Associated Fuel Loadings Than Public Lands**

It is well established that many Montana forested landscapes have grown dense with trees over the past century due to a variety of factors: a prolonged cool wet climate cycle, fire suppression, past harvest-regeneration methods, intensive grazing, and other factors. As a result of a shift in the overall weather pattern (higher ambient temperatures, drought and wind) Montana forests are experiencing significant moisture stress, related mortality, and high fuel loading. Part of the climatic trend that has been occurring along with mild winters and hotter and longer summer drought is an increase in spring precipitation. This later phenomenon leads to greater grass, forb and shrub growth, which during the latter portion of the summer creates a heavy fine fuel bed. All of these factors result in greater fire suppression costs.

4. **NIPF Lands Offer a Fire Suppression Buffer Around Towns and Cities--Aiding in the Control of Large Uncharacteristic and Extremely Dangerous Wildfires**

When a large fire does occur, suppression teams must try and contain it if it threatens human life or investments. This along with initial attack is the DNRC wildland fire suppression mandate. The argument is often made that NIPF lands result in the increased need for suppression efforts and therefore also fire fighting expenses and risk, thus they are the greatest beneficiaries. First, NIPF landowners already pay a wildland fire suppression tax. Second, the first premise is severely flawed. Large fires must be contained at some point, (unless they are burning into wilderness in which case there is no NIPF benefit) thus containment efforts can either occur on NIPF lands, or they can occur along denser housing (community) boundaries. Both the Black Mountain (2003) and Black Cat (2007) fires on the outskirts of Missoula had the majority of the suppression activities successfully completed on NIPF lands which resulted in the protection of the City of Missoula. Fire behavior projections indicated that much of the city would have burned without these successful suppression activities. Similarly, several rural towns were threatened in the 2007 Seeley Lake fire and in the 2000 Blodgett fire, the town of Pinesdale next to Hamilton was the site of very intense fire suppression activities.

5. **The Majority of Rural Landowners Are In the Middle Class or Lower Income Bracket**

The last part of wildland fire suppression costs addresses the issue of who is a NIPF landowner and who is not. With the increased number of houses being built into the wildland urban interface (WUI) there is a perception that NIPF landowners are primarily wealthy out-of-state "mansion" owners who want their own private playground. However, a close look at real estate values shows a slightly different

picture. For a family to purchase and own a home in Missoula, for example, it is often more expensive to buy a house within the city limits than outside. While there are certain exclusive drainages (such as Pattee Canyon and Grant Creek) where homes and properties are outside the financial reach of middle class income families, the majority of rural landowners fall within the middle class or lower income bracket. Many of these homes exist because purchasing a home in town was outside of the families' financial capability.

According to state forest tax laws, a landowner must own at least 15 contiguous acres to qualify for a reduced timber tax rate. Landowners with holdings between 5 and 15 acres of forested land must pay a tract land property tax which is often 20-50 times the rate of classified forest land. However, under current tax code and for the purpose of being assessed the additional wildland fire tax, the land is still classified as "forested." This is hypocrisy.

6. <u>NIPF Landowners Should Be Rewarded and Not Penalized for Good Forest Management</u>

Many other states offer forest management tax incentives to forested tracts as small as 5 acres because they realize that maintaining the productive capacity of the landscape is vital to the environment and economy. Taxing a majority of good forest land stewards because it is perceived that NIPF landowners are wealthy "mansion" owners, of which there obviously are a few, will have consequences that are the opposite of what is desired. Alternatively, offering tax incentives for NIPF landowners who productively manage their lands for reduced wildfire hazards and ecological and economic benefit will help maintain the many beneficial services these lands provide. Currently, the non-profit Montana Tree Farm System maintains a database of forest landowners with certified management plans. Additionally, the Forest Stewardship Program that is conducted jointly by the Montana DNRC and MSU Extension Forestry has helped landowners develop verified forest management plans on over 800,000 acres of NIPF lands. These landowners should be rewarded for their efforts, not penalized.

It is the position of the Montana Forest Owners Association that the "Wildland Urban Interface (WUI)" is defined as dense housing developments where individual ownerships consist of less than 10 acres and adjoin unmanaged forest lands. Rural forest landowners who manage their lands for fire hazard reduction both around their homes and on the landscape, such that their forests do not promote crown fires and exhibit characteristics that aid in fire suppression should be rewarded by communities in helping provide a solution to wildfire control and communities' wildfire risk reduction.

MONTANA ASSOCIATION OF LAND TRUSTS

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January 31, 2008

Montana Interim Fire Suppression Committee
c/o Leanne Heisel
Box 201706
Helena MT 59620

Dear Committee Members:

Thank you for the opportunity to comment on an issue important to the committee and important to firefighting and fire safety in Montana.

The members of the Montana Association of Land Trusts very much welcome this opportunity to present comments primarily on the topics of private land forest health and private land conservation. These comments will also highlight the vast and – in large part – unrecognized work Montana's land trusts and landowners are doing in concert to actively manage working lands and forests to reduce fuels and the threat of catastrophic fire.

Conservation Easements are Working Lands

There is a widespread misperception about conservation easements. Many people, including some state legislators, view a conservation easement as a type of wilderness or wildlife refuge on private lands. The on-the-ground modern reality is far different. When a landowner grants a conservation easement to a land trust, the land trust does not lock up the resources on the land. Instead, the land trusts understand that resources need to be managed, and almost all conservation easements drafted today recognize and encourage landowners to manage their properties actively to reduce wildfire risks, to improve the health of the forestlands and rangelands, and to manage their resources for the benefit of future generations and society as a whole.

The central purpose of conservation easements is to protect open lands, and one key way to accomplish that goal is to maintain traditional rural land use and to enhance the economic viability of farm, ranch and forestry operations. Since 1976, some 1,500 Montana landowners have voluntarily negotiated and signed conservation agreements with land trusts. Landowners may be eligible for a federal income tax deduction for the donated portion of the easement, reduce federal estate tax exposure and gain a measure of assurance the family farm, ranch or timberlands will not have to be sold for development. A conservation easement keeps a ranch a ranch, a farm a farm, and a working forest a working forest.

Conservation easements are granted and held on Montana's working lands. Virtually every conservation easement in Montana allows or encourages the current and continued agricultural use or active management of easement lands for productive economic purposes. Conservation easements allow flexible management to keep farm and ranch families on the land and most everything farmers and ranchers do – raise cattle, grow crops, build fences, irrigate – can happen on lands held under a conservation easement.

The same is true with working forestlands held under a conservation easement. There is a diverse and impressive array of active forest management that improves forest health currently taking place on Montana private timberlands held under easement.

It is true that decades ago, when the first conservation easements were developed, there were some restrictive conservation easements written that allowed less active forestland management. There are relatively few of these easements, and when they have the opportunity, land trusts will often seek to update the language in these old easements to reflect current resource management needs and public interest demands. The world of forest management has changed in the past 30 years, and Montana's forest managers have – or should have – changed as well. Certainly private landowners and Montana land trusts have changed, and these changes have led to more active management to reduce forest fuels buildup, to create defensible space around structures, to improve forest health and reduce the threat of catastrophic fire.

We have more fires and we have bigger fires than we did three decades ago, and the efforts by land trusts and landowners to mitigate against catastrophic fire certainly and absolutely reflects that reality.

Keep in mind also that another key element in a conservation easement is the protection and improvement of wildlife and fishery habitat. Many of the same components of a healthy forest – prescribed fire, thinning, selective timber harvests, fuels reduction projects, control of disease and bug infestation, erosion control, and streamside management zones – are also components of effectively improving and managing wildlife and fishery habitat.

Conservation Easements Promote Active Forest Management

The language of conservation easements reflect the land trust and landowner commitment to forest management. Conservation easement language specifically allows the landowner to retain rights for timber harvest.

Here are some examples of "Permitted Uses" under conservation easements lifted directly from conservation easements themselves that pertain to forest management.

Permitted Use: *To use timber cutting, prescribed burning, and other silvicultural tools for non-commercial purposes, such as for purposes of improving the health and safety of the forest, for purposes of returning the forest resource to a more natural state, and for the prevention of catastrophic wildfire...*"

Here is another example of conservation easement language. Permitted Use: *To use timber harvest, prescribed burning, and other silvicultural tools for the purpose of controlling forest disease, for the purposes of protecting wildlife habitat, for the purpose of fostering a multi-aged forest, or for the purposes of returning the forest resource to a more natural state, any one of which may be performed on a commercial basis subject to the approval of a timber harvest plan...*

These two examples of relatively standard conservation easement language approve both commercial and non-commercial timber harvests to improve forest health. It is important to note that additional standard

conservation easement language requires that timber harvests *"must conform to state and federal forestry laws, practices, guidelines or regulations (including Best Management Practices in effect at the time of the harvest); and must minimize soil disturbance, vegetation damage, and impacts on the integrity of the watershed, water quality, wildlife habitat, and the natural scenic and aesthetic qualities of the Property."*

Simply put, in contemporary conservation easements, there is typically no prohibition against landowners with conservation easements actively managing their forestlands. In fact, the opposite is true. A healthy forest serves the landowner, the land trust, the landscape and the values identified within the conservation easement.

Not only does the written agreement between the landowner and the conservation easement call for active management for forest health, but active steps taken by land trusts and landowners reinforce that language. For example, land trusts routinely refer private landowners with conservation easements to attend the MSU Extension Forestry "Forest Stewardship Workshop" held in association with the Montana Logging Association. Another land trust held a Forest Health Workshop with private landowners and easement holders where fire management expert Steve Arno presented information about forest health.

Land trusts monitor conservation easements on an annual basis. When a land steward for a land trust is monitoring an easement, the land steward will often give the landowner a report about the health of their forest. If the land steward sees insect infestation or disease problems, or the need for fire hazard fuel reduction, the land steward tells the landowner about the problems and often takes the extra step of referring them to forest professionals. The goal of such an effort is to improve forest health and reduce the risk of catastrophic fire. The monitoring by land trusts encourages landowners to be involved and pay attention to their forest resources and manage them in a responsible manner that also meets their goals and objectives for their property.

Finally, specific language allowing the use of prescribed fire and active tree thinning is common in many conservation easements.

Specific Examples of Active Forest Management On Conservation Easement Lands

Length limitations prevent a comprehensive list of specific examples of active forest management and benefits of conservation easements to firefighting efforts, but here is a sample of actual on-the-ground projects, programs or events related to conservation easements and active forest management.

- A conservation easement in the Rock Creek area east of Missoula was helicopter-logged through a 650-acre fuels reduction timber harvest. About two million board feet were removed as part of the harvest, which provided logs to Stimson Lumber Company, improved the health of the forest, improved wildlife habitat, and reduced the risk of catastrophic fire.
- A large salvage and timber sale on a conservation easement in the Gallatin Valley area removed close to six million board feet of dead, dying and green timber. Again, the purpose of the timber sale was to reduce the risk of future fire and improve forest health.
- A telephone call to one forest consultant who works with private landowners and land trusts revealed that within the last three years he had worked with landowners and land trusts on active forest management projects in the Ennis area (300,000 board feet), the Blackfoot Valley (300,000 board feet), Lewistown area (900,000 board feet), Livingston area (150,000 board feet), Taylor Fork area south of Bozeman (300,000 board feet), two projects in the Bozeman Pass area (300,000 board feet) and has also worked with land trusts and private landowners on ten different forest management plans and fuels reduction projects.
- A Fuel Treatment Assessment was recently prepared for a landowner who holds an easement in the Georgetown Lake area of Montana, and the report discussed at length the success of fuel

mitigation, tree thinning, fuel continuity, wildlife habitat, diversity of tree species, tree regeneration, pile burning and defensible space. In the conclusion, the author of the report (a retired US Forest Service fuels/fire manager and currently a community forester with 39 years of firefighting experience) writes to the landowner: "You have done an excellent job of accomplishing fuel mitigation in one of the toughest habitat types in Montana. You are to be commended for taking on this project. The results will help protect not only your property and improvements but will also help protect your neighbors to the north and northwest of the property. They should value the commitment and investment you have undertaken."

- On the same Georgetown Lake area easement property, a Department of Natural Resources and Conservation forester wrote, "My overall impression of the stewardship is admirable. It is a pleasure to tour active management carried out in a sustainable fashion, with positive multi-use results."
- Conservation easements – large open spaces – have been the sites of fire camps, fire staging areas, and helicopter staging areas. Dozer lines have been dug as fire lines across conservation easement properties. Land trusts and landowners with easements have been good neighbors in fighting fire across Montana's landscape.
- Steve Arno, a US Forest Service fire researcher and recognized fire expert in Montana (and author of the book "Mimicking Nature's Fire: Restoring Fire-prone Forests in the West), has worked with a local land trust on forest health issues and active forest management. Steve Arno has a conservation easement on his property.
- The US Forest Service released its Open Space Conservation Strategy, a document intended to help guide the Forest Service's efforts in the wildland urban interface and private lands bordering national forests. The goals of the Strategy include the protection of working lands and a reduction in wildfire risks. Among the ways the Forest Service seeks to accomplish these goals are the protection of regional priority lands *"through partnerships and mechanisms such as land acquisition and conservation easements."*
- A Missoula-based land trust has helped private landowners to obtain funding to improve forest health through fuels reduction on their easement properties.
- A Bozeman-area conservation easement, created in 1992, required a forest management plan prior to any forest management operations, and immediately after the easement was created, so was the forest management plan. A professional forester updated the plan in 2001 specifically to initiate a fuels reduction strategy.
- Finally, in the Blackfoot Valley, a partnership between private landowners, land trusts, agencies and corporations have protected much of the area with conservation easements, and an effort is underway to restore portions of the valley floor with forest thinning operations and prescribed fires on easement properties.

Multiply these kinds of projects and success stories over hundreds of landowners, hundreds of projects and hundreds of thousands of acres, and the massive contribution of landowners, land trusts and conservation easements to fire suppression efforts, forest health and fuels reduction can begin to be understood.

Conservation Easements Reduce Firefighting Costs and Firefighting Risks

The costs and dangers of fighting fire in residential areas of the wildland urban interface are well documented, but a handful of facts jump out when considering this issue.

- The Office of Inspector General (2006) found that 50 percent to 95 percent of US Forest Service fire suppression costs are related to protecting private buildings in the wildland urban interface.

- In 2007, for the first time in Montana history, fire suppression costs exceeded $100 million, at approximately $107 million, a more than 20 percent jump above the next most costly fire suppression year.
- The U.S. Government Accountability Office (2007) found that homes built in the wildland urban interface were a top reason why firefighting costs nationally have tripled since 2000 to over $3 billion a year.
- In 2000, 25 percent of the total US Forest Service budget was spent on firefighting. In 2006, that figure was at 44 percent.
- Wildland urban interface fire suppression costs are illustrated by two 2007 Montana fires. The Jocko Lakes Fire, which threatened 3,000 structures, cost $1,000 per acre to fight. Conversely, the Chippy Creek Fire, which threatened fewer than 100 homes, cost $157 per acre to fight.
- According to Headwaters Economics, a research firm headquartered in Bozeman, in the six western Montana counties that make up the core of the wildland urban interface, 91 percent of the land inside the interface is undeveloped. With each residential structure in that area, the cost of firefighting escalates.
- Headwaters Economics estimates that under current building trends, in the next 20 years, over 1,500 houses per year will be constructed in the Montana wildland urban interface.
- According to the US Forest Service Report "National Forests on the Edge: Development Pressures on America's National Forests and Grasslands," nine national forests and grasslands are expected to experience substantial increases in housing density on at least 25 percent of adjacent land. The forest that ranks highest nationally in this category: The Bitterroot National Forest in Montana.

There can be no doubt that firefighting costs are going up, and a leading contributor – if not ***the*** leading contributor – to those increases is the need for increased protection of lives and property as a result of residential development in the wildland urban interface. One strategy for Montana and the Fire Suppression Committee to consider is programs that reduce residential development in the wildland urban interface.

The good news for Montana is that such a program already exists. The Montana Open-Space Land and Voluntary Conservation Easement Act, the original act that led to the first conservation easement in 1976, has been limiting residential development in the wildland urban interface even before a wildland urban interface was officially recognized as such. These voluntary private land conservation agreements, which bind a landowner and a land trust to permanent open lands, have been helping curtail firefighting costs before many Montanans were truly concerned about firefighting costs.

Thus, by reducing density of residential development at the forest fringe, conservation easements can actually play an important role in dramatically reducing the costs of firefighting in this critical zone.

Conservation easements serve as a major asset to Montana firefighters through the conservation easement language itself; the thousands of forested acres treated on easement properties; the efforts by land trusts to responsibly work with landowners and provide them with forest health materials through workshops, annual monitoring and contacts with professional forest stewards and consultants; and the limitation of residential development in the wildland urban interface, that results in firefighting cost savings and assist on fire management through open land used for fire staging areas, fire lines, fire camp and helicopter staging areas.

The twelve members of the Montana Association of Land Trusts recognize their contribution to Montana fire suppression and forest health, and are ready and willing to play an even more active role in those

venues. The members of the Montana Association of Land Trusts are prepared to work with the committee, Montana legislators and the Montana firefighting community on incentive based, voluntary programs that would enhance the opportunity for private land conservation agreements inside the wildland urban interface.

The committee is looking at several possible approaches to restricting development in the wildland urban interface, including some government regulatory or mandated proposals. Land trusts have had great success in Montana protecting open lands and encouraging sustainable forest health through incentive-based voluntary programs that reward landowners. Such an approach may be possible as a way to further limit development in the wildland urban interface.

The Montana Association of Land Trusts wants to thank the members of this committee for its efforts on this issue, and also would like to thank the network of volunteer, local, county, state, tribal and federal firefighters for their commitment to protecting Montana and Montanans. Land trusts feel we can support and help bolster that commitment.

Thank you for the opportunity to comment. If you have questions about anything contained in these comments, please feel free to contact us.

Sincerely,

Glenn Marx
Executive Director
Montana Association of Land Trusts

Heisel, Leanne

From: Fred Hodgeboom [hodgeboom@centurytel.net]
Sent: Friday, February 01, 2008 1:08 PM
To: Heisel, Leanne
Subject: Legislative Fire Suppression Committee

Attachments: MFMU Legislative Fire Suppression Committee.doc; Exhibit B-Declaration of Kieth Longtin.wpd; Sheila Keller Declaration.pdf; Exhibit C -- Declaration of James M. Slack.wpd; Flathead County Declaration.pdf; West Fork Skyland Rd. Barrier Dozed for access.dat


MFMU Legislative Fire Suppress...


Exhibit Declaration of Kieth


Sheila Keller Declaration.pdf ...


Exhibit C -- Declaration of J...


Flathead County Declaration.pd...


West Fork Skyland Rd. Barrier ...

Leanne Heisel,

Please provide members of the Fire Suppression Committee copies of the attached Montanans For Multiple Use Comments and exhibits.

Thank you,

Fred D. Hodgeboom, President
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February 1, 2008

To: Montana State Legislative Fire Suppression Committee Members

Re: Your 12/14/2007 request for comment. Montanans For Multiple Use statement of facts for your consideration:

First, your committee should demand a straightforward display and analysis of actual fire fighting data for all fires in the last 10 years over 1000 acres in size. The data is available to DNRC, probably retrievable from Interagency Fire organizations' data bases. The data is likely stored by fire name. The land ownership and land classification (Park, wilderness or roadless area) at point of origin of each of these major fires should be determined if not recorded in the data, and if not recorded why isn't it? How can there be any meaningful analysis of where the fire problems and costs are coming from without it? In a report to the 2007 Legislature on this issue the DNRC compiled data on fires "occurring" in the Wildland Urban Interface (WUI) and misled many to believe the fires originated in the WUI when in fact most of the serious fires started and became out of control on Federal land before blowing onto private land in the WUI.

The acres burned, cost of suppression, value of property and resource losses by ownership (with sub-total of losses from classified Park, wilderness, and roadless area starts), injuries and/or fatalities, evacuations, business losses, should all be tallied by land ownership of fire origin that caused the losses. In this way experienced data will unequivocally prove what ownerships are generating the unsafe conditions that result in huge costs and damage to public health, safety, and general welfare.

Even without a rigorous analysis, most Montanans know from news reports each summer that the real catastrophic firestorms originate on unmanaged Federal forests or Parks where vast expanses have been allowed to die and build up extreme fire hazard. The USFS has in-place fuel models that show location and extent of severe fire hazard. Project team fire behavior specialists routinely use this data to predict the fire behavior and likely future spread of big fires they are assigned to manage. The Federal Agencies have negligently failed to use this data or fire spread models to design and implement strategic fuel breaks that would provide safer areas that significantly increase firefighters' ability to stop a fire before it burned entire drainages and onto State or private land.

Montana's wildland fire problem is not a private landownership or private development problem. Instead it is a Federal negligence and failure to act problem. What does Montana law (MCA) say about landowners who knowingly allow conditions on their property to threaten their neighbor's property, safety and health? How many of these project fires originate on private land, and how many in the "Wildland Urban Interface"?

We are sure the data will show that very few of these project fires originate in the WUI. Instead the WUI private land and property, along with State Trust Lands and Tribal lands are routinely burned to a crisp by firestorms blown in from the continuous Federal fuel bed that too often begins with let-burn wilderness

management fires, or fires starting in Federal roadless areas where the Feds are reluctant to use heavy equipment.

We believe the Federal land managers are negligent, arbitrary, and capricious when they make snap decisions in July to let wilderness fires burn without using available fuel and fire models to assess probable fire spread for the remaining fire season and wind events. We believe it is irresponsible and unprofessional not to assess the likelihood of private property and economic losses, health effects of smoke, sedimentation and nutrient enrichment of lakes and streams, damage to fish, wildlife and their habitat, firefighting costs, and cumulative effects of these decisions. These are multi, multi million dollar decisions, and we believe they are made without complying with existing law. Is it even common sense to make these decisions under known drought conditions with a probable 8 weeks or more of severe fire season ahead? Montanans are bearing too much of the costs and other losses from Federal holocausts.

What are the losses to State trust lands over the past 10 years from Federal Fires vs. fires starting on State and private? Have Trust land beneficiaries been compensated for losses due to fire sale of resources, and perhaps more significantly loss of future income when young growth forests are destroyed by a Federal fire? Where in Montana is there any really effective landscape scale fuel breaks in the WUI on Federal land designed to help protect State and private landowners from firestorms generated on Federal land?

All the Federal Agencies, and even MT DNRC, will not talk about Federal responsibility, which we believe is the real issue, perhaps because so much DNRC budget comes from the USFS. Instead, Agencies, including DNRC, try to blame private landowners for using their property, and they actively lobby the Legislature to tax and regulate private land to reduce the values and potential claims that result from the probable severe Federal fire that under current policies is sure to occur at some point in time. It is wrong to ignore Federal responsibility and enable Federal holocausts to burn the Tribal, State or Private land with fewer claims. Punishing private landowners is not fair and it absolutely will not reduce any future wildland firefighting costs if there is no change in Federal responsibility or accountability.

Montana must be more aggressive in demanding Federal responsibility for reducing the probability and severity of catastrophic fires and for accountability for their costs when these fires occur. The National Fire Plan approved in 2001, in large part due to the destructive Bitterroot fires, calls for the USFS to implement strategic fuelbreaks on a landscape scale. Where has the Forest Service even proposed such actions, and how much different would our fire costs and damages be if such fuelbreaks had been implemented on Federal land bordering State, Tribal, and private lands that have burned in the last 7 years? Professional land and fire managers should know to do this even without being told in a National Fire Plan.

1. Firefighting Operations in Montana. Montana has outstanding fire fighting personnel and forces available. However when the fire originates on Federal land, the Feds assume command of the fire and local forces are often left out or rejected. The Federal fire fighting record for rapid deployment of local forces that could control the fire is not good.

   Incident commanders and local Rangers and Forest Supervisors are often imported from other regions and they lack knowledge and experience fighting fires in the heavy fuels (routinely 50 to 200 tons per acre) and steep slopes of the Northern Rocky Mountains. Too often, it appears they don't know how to implement rapid detection and direct attack in our heavy fuels. They don't know that heavy equipment should be dispatched at the first report of fire in heavy fuels. They don't know how to get the crews out before daylight so they are on the line and able to do effective direct attack construction of firelines before the fire heats up after 10-11 am. How much money and time was wasted and resources lost in 2007 because fire crews never even got to fire until 10 am or later? (See declarations of eyewitnesses: Kieth Longtin, Sheila Keller, James Slack on Wedge Canyon fire attached).

   In addition there is waste of hundreds of thousands of dollars spraying retardant out of airplanes in front of out-of-control fires where there is no fuelbreak. There is little benefit to retardant in heavy fuels unless there are boots and equipment on the ground to attack and contain the fire after retardant cools the fire. Federal managers who say fires can be controlled by air attack in areas

where there is heavy fuels and no access for ground crews simply have too many $20 million dollar plus escape fires to back that claim up. The obscene costs of many of these fires (especially roadless and wilderness area fires, e.g. 2007 Skyland, Fool Creek and Ahorn fires) are due to waste of aerial retardant resources (perhaps because with no access to the fire they don't know what else to do, and incident commanders love to use an open checkbook). How many more 5 to 100 thousand-acre fires do we need to demonstrate that air attack will not control a fire in heavy fuel?

Lighting backfires from ¼ to a mile or more away from the head of the fire in our heavy fuels usually is only successful in generating an A-bomb scale energy release fire storm that adds more hundreds or thousands of acres to the fire, or the backfire does a ragged underburn pre-drying the aerial fuels so that when a breeze comes up, the pre-conditioned fuels explode into a firestorm (e.g. 2003 Robert Fire)

2. Efficient use of fire suppression resources, including equipment and firefighters. Major problems for Montana firefighters and taxpayers are dealt to us by Federal land managers and Incident Fire Teams and their associated Federal bureaucratic inefficiencies and hiring procedures. How many fires have grown to catastrophic fires because the Feds would not allow local people and equipment that was near the fire go to work, or when equipment was there with experienced local operators they were not allowed to go to work because of Federal policies that ensure delay of deploying firefighters effectively. How about the 2001 Moose fire, the 2003 Wedge Canyon Fire, and the 2007 Jocko Lake fires for starters? (See attached eyewitness Declaration of James Slack, Wedge Canyon fire).

   Weak initial attack on Federal lands account for the escape and growth of many Federal fires to catastrophic events. Federal managers have in place fuel maps. Why do they not dispatch heavy equipment at first report of a fire in heavy fuels when fire danger is high to extreme? Aerial attack and hand crews cannot effectively deal with a fire in heavy fuels and severe conditions. Local managers seem to simply dispatch some token airdrops and order the incident teams. Dispatch decisions and deployment of fire fighting forces in the first 24-48 hours are critical in determining whether a fire is controlled or grows to a project fire. Fast effective detection and initial attack is the most cost effective use of firefighting forces and dollars. Project fire detection and initial dispatch decisions should be investigated for the at least the past 5 years.

3. Impacts of operation on private land and on the effective use of private resources to fight fires. It is clear that in western Montana the fire hazard on Federal land is the primary threat to private land and homes. No matter how well a private landowner implements Firewise and other fuel management practices on private land, a firestorm built up in unbroken heavy fuels driven by a wind can ignite structures and destroy vegetation for long distances, certainly more than the 40 meters around structures touted by preservationists as the only treatment needed. The vast majority of structure protection for private property threatened by Federal firestorms is implemented by local Community and County fire departments, not the Forest Service or DNRC. Every taxpayer is Montana is paying for the excessive firefighting costs that are primarily due to major Federal fires. County taxpayers are assessed additional tax increases because County budgets are exhausted trying to protect private property from Federal fires. (See attached Flathead County Declaration)

   Few, if any, private landowners expect any firefighters to take unnecessary risks to protect their property. Local firefighters are very good at assessing where they will be safe and where they will not. Nearly all firefighter fatalities resulting from a burnovers are because fire commanders did not evaluate basic firefighting principles and placed their people in unsafe places with no lookouts, no escape routes, no or inadequate communications with others, no or inadequate information on current and expected fire weather and fire behavior.

   Currently, local private fire fighting resources are usually underused on Federal fires due to the red tape to get qualified and signed up. Often the process is so onerous that people simply give up or

will not even try. Even private resources like heavy equipment that is near fire and the owners are willing and anxious to go to work building fireline, the Feds will not permit it because all the bureaucratic hoops and paperwork has not been done. The result is that petty Federal policies often are responsible for tens of millions of firefighting cost, damage to human health, water supplies and private property, and increased risk to firefighters.

4. State and federal forest management policies and how those policies may contribute to an increased number of wildfires, greater safety risk to firefighters, or compromised effectiveness of fire suppression efforts.

   Two major Federal USFS policies for the last 20years have combined cumulative effects that ensure that huge holocaustic firestorms have occurred and will continue to develop on federal land to threaten firefighter and public health and safety:

   First, 20 years of incrementally decommissioning and blocking existing roads in a way that has reduced access for ground firefighting forces to reach the fire in time to get it contained before it grows to project size. The huge reduction in access not only precludes fast effective initial attack, but ensures that no effective forest and fuel management can occur thus allowing the forest to become high fire hazard. The Flathead National Forest has destroyed vehicle access on more than 800 miles of road in the last 15 years. (see attached picture of West Fork Skyland Rd. concrete post and bolted steel guard rail road barriers that had to have heavy equipment to restore access, causing seriously delay in effective initial attack and likely the key factor in the fire escape).

   Second, the precipitous decline in Federal timber sales that provide the only economical way to manage fire fuel buildup has cumulatively over the past 20 years resulted in more insect and disease mortality and heavy fuel accumulation.
   Fuel quantity and arrangement on the ground is the only element of wildland fire severity that we can control, and in most forests this can be done with a financial return (Fiedler, Carl, et. al., 2001. A Strategic Assessment of Fire Hazard in Montana. University of Montana, School of Forestry, September 29, 2001). The combined cumulative effect of decades of accelerated fuel buildup and lack of strategic firebreaks along with the steady reduction of vehicle access on Federal lands has contributed immensely to the huge increase in catastrophic fires we have experienced in the last 10 years. If nothing changes on Federal land we will continue to have holocausts until most of the Federal Forests and a lot of private have burned. MFMU analysis of fires in and adjacent to the Flathead National Forest shows that in the last 6 years the acres burned (725,000 acres) is about 3 times all of the regeneration timber harvest acres over the last 60 years (225,000 acres), and about 1/3 of the entire Flathead National Forest, a dismal record for National Forest resource protection.

1. Specific Recommendations:

- Study 10 years of project fire origin, cost and damages by land ownership and special land management classifications, and determine percent of total costs.
- Investigate detection and the initial attack decisions on at least 5 years of large fires. Develop a Montana State Fire Plan that will specify initial attack policies that would promote increased public safety, health and general welfare of Montana citizens and their property by considering location, fuels, and burning conditions. Then require Federal coordination to ensure they implement improved detection and initial attack policies.
- Investigate Federal policies for hiring local people and equipment. Develop reasonable plain English hiring requirements and contracts that will serve the State of Montana to be included in the State Fire Plan. Then require Federal coordination to promote Federal policies very similar to State and have similar contracts for both agencies. Develop Volunteer Agreements and liability waivers to have available for both State and Federal agencies when a nearby citizen is able and requests to attack the fire without compensation when the fire is small.
- A Montana State Fire Plan should specify policy and objectives for implementing and maintaining strategic fuel breaks necessary to improve public safety and reduce hazard and probability of damage of mapped Wildland Urban Interface areas and other high value areas.

- State of Montana Fire Plan should actively oppose any more destruction of access to Federal lands and promote increased access and management of fuels on Federal lands, especially those lands bordering State and Private lands. Require Federal coordination with the State on all road decommissioning.
- DNRC has statutory authority to ensure Federal coordination with State Plans relative to protecting adjacent and intermingled State and private land, and also with County Governments relative to fire fighting and land management plans, policies, and projects. Montana State Government should actively promote Federal plans and policies that will provide public benefits in reduced fire fighting costs and damages to Montana citizens, their property, and State land income and resource potentials. It is the duty of State government to promote the health, safety and general welfare of its' citizens and their property by implementing competent Plans.

2. If there are no changes with regard to firefighting and suppression policy, practices, or funding in the next ten years, we will see more of Montana's forests burned, perhaps one half or more of all Federal Forests along with great damage to State and private forests and property.

3. Certainly State and private owners surrounded or adjacent to Federal lands with high fire hazard should implement their own fuel break on their property to mitigate for a fire coming off the Federal land. If any of the specific suggestions above such as contracting simplification can be done and implemented by June 2008 that would be great, but knowing how agencies resist any change from outside, likely little will be different for the 2008 fire season. We can only hope for more summer rain.
4. Not applicable.

If you desire, MFMU would be pleased to appear before your committee to answer questions and supply even more pictures and data on the wildland fire problems and costs.

Sincerely,

Fred D. Hodgeboom

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